



# Bar to Reenlistment



This information sheet gives you general information you need when you receive a local or “field” bar to reenlistment. Your rights vary depending on how many years of Active Federal Service (AFS) you have in the military. A bar to reenlistment is a rehabilitative tool the commander has at his or her disposal. The commander may impose a bar to put pressure on you to change your ways. Your commander could also use it as a preliminary step in processing you for separation from the U.S. Army.

## Procedures for Imposing Local Bar

*Grounds for imposing a bar:* Any commander in your chain of command can initiate a bar to reenlistment. There are discretionary grounds for imposing a bar; for example, repeated absence from appointed places of duty, substandard personal appearance or hygiene, apathy, failure to manage your personal affairs, etc., AR 601-280, para 8-4d lists 28 discretionary reasons, but this list is not exclusive. The commander can also impose a bar for other reasons. There are mandatory grounds for imposing the bar as well. Are you required to have an approved family member care plan on file? If you do and have not done so within 2 months of being notified, the commander must initiate a bar to reenlistment.

*Restrictions:* Ordinarily, commanders should not impose a bar on you during your first 90 days or last 30 days in the units. However, if he or she does, an explanation concerning the timing must be provided on DA Form 4126-R. A commander cannot approve a bar to reenlistment after a soldier separates from active duty. Nor can any commander enter a bar to reenlist in a soldier’s records after de or she separates from active duty. Finally, a soldier cannot be retained involuntarily past his or her ETS date in order to complete the processing of the bar.

## Rebuttal and Appeal

*Rebuttal statement:* You must be notified of the commander’s recommendation to initiate a bar, as well as the reasons for initiating it. If you request (by checking the appropriate block in Section II, number 3 of DA Form 4126-R), you are allowed seven calendar days to comment why you believe the bar should not be imposed. In your rebuttal, you should address each reason given for the recommended bar, and try to explain why they are inaccurate or how you have since corrected the problems. You must submit the rebuttal statement in Section II, and/or attach the statement to the DA Form 4126-R. You do not have a right to legal counsel for a locally imposed bar.

*Processing rebuttal statement:* The initiating commander must forward the 4126-R and any rebuttal statement through the chain of command to the approval authority. Each commander or acting commander in the chain must take personal action on the bar. Any one of these commanders can disapprove the bar at his or her level. Who the approval authority is depends on how many years of AFS you have on the date the commander initiated the bar. If the soldier has less than 10 years AFS on that date it is your LTC commander or special court-martial convening authority. If you have 10 years or more AFS, it is the first General Officer (GO) in your command or general court-martial convening authority (GCMCA). The approval authority must be one level higher than the commander who initiates the bar. If the commander who initiates the bar is above the company level, the approval authority will be the first GO or GCMCA in your command, or HQDA.

*Appeal:* Once the approving authority determines that he or she will approve the bar; you have 7 days to submit an appeal. If you are otherwise qualified, you will not be involuntarily separated while the appeal is pending. If you have less than 10 years AFS, you must appeal to the first GO in your command, your appellate authority in HQDA. If the bar was approved by PERSCOM, however, you have no right to appeal.

### **If the Appeal Is Denied**

*Counseling:* Your company level commander must inform and counsel you. At least once every 3 months after the date of approval, and 30 days before you PCS or ETS, he or she must review the bar and see whether it should be lifted or if he or she should initiate involuntary separation actions against you. After the first review, your company commander must advise you of possible involuntary separation actions under AR 635-200, Chapter 13. After the second review (at 6 months), the commander must lift the bar or initiate involuntary separation actions under Chapter 13, for underlying grounds.

*Removing the bar:* Once you receive an approved bar, it will be filed permanently in your MPRJ, and annotated on your DA Form 2-1. You may appeal to the Army Board for the Correction of Military Records (ABCMR) to have it removed.

*This purpose of this fact sheet is to give you general information you need when you receive a local or "field" bar to reenlistment. This handout is for general informational purpose only. For further questions, contact the Client Legal Services Office in your area. Seeing a lawyer early may not only solve a problem you have; it may also resolve or avoid a problem in the future, on this or other unrelated subjects. Seeing your lawyer early is practicing "Preventive Law."*

Yongsan Client Legal Services Office, Bldg 4106, room 229 (ACS building). Please call 738-6841/8111 for an appointment. Office hours: M, Tu, W, F 0900-1600 and Th 1300-1500.
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